FILE REFERENCE	NO:	20120801
ORDINANCE	NO:	7603

## AN ORDINANCE

ANNEXING the following property in the corporate limits of the City of Marietta, Georgia consisting of 14.56 acres and all associated right-of-way, 2<sup>nd</sup> Section, Cobb County, Georgia as follows: Land Lots 01520 and 01530, District 17, Parcels 0330 (1451 Bellemeade Farms Road); 0340 (1452 Bellemeade Farms Rd); 0350 (1456 Bellemeade Farms Rd); 0320 (1459 Bellemeade Farms Rd); 0360 (1460 Bellemeade Farms Rd); 0310 (1463 Bellemeade Farms Rd); 0370 (1464 Bellemeade Farms Rd); 0300 (1467 Bellemeade Farms Rd); 0380 (1468 Bellemeade Farms Rd); 0390 (1472 Bellemeade Farms Rd); 0290 (1475 Bellemeade Farms Rd); 0400 (1476 Bellemeade Farms Rd); 0280 (1479 Bellemeade Farms Rd); 0410 (1480 Bellemeade Farms Rd); 0270 (1483 Bellemeade Farms Rd); 0420 (1484 Bellemeade Farms Rd); 0260 (1487 Bellemeade Farms Rd); 0430 (1488 Bellemeade Farms Rd); 0440 (1492 Bellemeade Farms Rd); 0250 (1495 Bellemeade Farms Rd); Land Lot 01530, District 17, Parcels 2440 (1496 Bellemeade Farms Rd); 2450 (1500 Bellemeade Farms Rd); Land Lot 01520, District 17, Parcel 0450 (Bellemeade Farms HOA, Inc.).

WHEREAS, application has been filed by the CITY OF MARIETTA for annexing property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

**WHEREAS,** all conditions of home rule annexation as set forth by the State Legislature have been met; and

**WHEREAS,** the Mayor and Council are authorized and empowered to describe Ward boundaries within the corporate limits.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

## **Section 1:** Best Interest Determination:

Prior to annexing the property described herein, the Marietta City Council finds, as a matter of fact, that the annexation of the property described herein into the municipal corporation of the area proposed in the Application for Annexation would be in the best interest of the residents and property owners of the area proposed for annexation and of the citizens of the municipal corporation.

## **Section 2:** The following property to wit:

All that tract or parcel of land lying and being in 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, and being in the following Land Lots and Parcels as stated:

Land Lot 01520, District 17, Parcels 0330 (1451 Bellemeade Farms Road); 0340 (1452 Bellemeade Farms Rd); 0350 (1456 Bellemeade Farms Rd); 0320 (1459 Bellemeade Farms Rd); 0360 (1460 Bellemeade Farms Rd); 0310 (1463 Bellemeade Farms Rd); 0370 (1464 Bellemeade Farms Rd); 0300 (1467 Bellemeade Farms Rd); 0380 (1468 Bellemeade Farms Rd); 0390 (1472 Bellemeade Farms Rd); 0290 (1475 Bellemeade Farms Rd); 0400 (1476 Bellemeade Farms Rd); 0280 (1479 Bellemeade Farms Rd); 0410 (1480 Bellemeade Farms Rd); 0270 (1483 Bellemeade Farms Rd); 0420 (1484 Bellemeade Farms Rd); 0260 (1487 Bellemeade Farms Rd); 0430 (1488 Bellemeade Farms Rd); 0440 (1492 Bellemeade Farms Rd); 0250 (1495 Bellemeade Farms Rd); Land Lot 01530, District 17, Parcels 2440 (1496 Bellemeade Farms Rd); 2450 (1500 Bellemeade Farms Rd); Land Lot 01520, District 17, Parcel 0450 (Bellemeade Farms HOA, Inc.); and all associated right-of-way, 2<sup>nd</sup> Section, Cobb County, Georgia consisting of a total of 14.56 acres.

## Section 3: Plans for the extension of services to the area proposed to be annexed:

The City of Marietta, pursuant to O.C.G.A. Section 36-36-35, has made plans for the extension of services to the area proposed to be annexed and such plans are on file with the zoning department of the City of Marietta. Further, said plans were made available to the public in a report setting forth those plans and same were made available at least 14 days prior to the public hearing held in conjunction with this proposed annexation.

**Section 4:** The above-described property is hereby annexed into the corporate limits of the City of Marietta, Georgia, and shall have an effective date of October 1, 2012; except that for ad valorem tax purposes, the effective date of annexation shall be December 31, 2012. However, for school enrollment purposes only, the effective date of annexation shall be September 13, 2012, as stated in Georgia law[§ 36-36-2].

<u>Section 5</u>: The above described property is hereby placed in Ward 3 within the corporate limits of the City of Marietta, Georgia.

**Section 6:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

<u>Section 7</u>: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Brian Binzer, Director
Department of Development Services

Approved as to form:

Douglas R. Haynie, City Attorney

Approved by City Council:

APPROVED:

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy, City Clerk

Section 8: This Ordinance shall become effective upon the signature or without the signature of